



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Washington, D.C. 20230

OFFICE OF THE GENERAL COUNSEL

AUG 3 2004

VIA FACSIMILE AND
CERTIFIED MAIL (return receipt requested)

Eduardo J. Ferrer Ramirez De Arellano, Esq.
Counsel for Villa Marina Yacht Harbour, Inc.
P.O. Box 9020485
San Juan, Puerto Rico 00902-0485

Angel D. Rodriguez
Chairman, Puerto Rico Planning Board
Minillas Government Center
De Diego Ave., Stop 22, Santurce
P.O. Box 41119
San Juan, Puerto Rico 000940-1119

Re: Schedule for Reply Briefs - Consistency Appeal of Villa Marina Yacht Harbour, Inc.

Dear Messrs. Ferrer and Rodriguez:

This letter establishes the dates for filing reply briefs and supporting materials in the Villa Marina Yacht Harbour appeal and addresses general items concerning the appeal record. The deadlines for filing reply briefs are as follows:

Villa Marina Yacht Harbour reply brief - September 8, 2004;
Puerto Rico Planning Board (Puerto Rico) reply brief - October 13, 2004.

With regard to reply briefs, the parties are encouraged to carefully address each of the three elements relevant to determining whether a proposed project "is consistent with the objectives" of the Coastal Zone Management Act (*see* 15 C.F.R. § 930.121). In addition, the Appellant's Notice of Appeal raises an issue concerning the timeliness of Puerto Rico's actions. Both parties should be sure to identify all relevant dates in support of its position (for example, the date on which a consistency certification was provided to Puerto Rico as required by 15 C.F.R. § 930.57(a)) and to provide adequate explanations or documentation in support of its views. Reply briefs are limited to a maximum length of 15 pages (paper size 8 ½ inches wide by 11 inches long, with double spaced text).

Also, please note that documents should be filed in English or accompanied by a certified translation of the documents' complete text. Each party is responsible for translating the materials filed in support of its brief and should provide copies of the translations to this Office



and one set to the opposing party. For any Spanish language document submitted earlier in the appeal process, a translation should be provided by September 8, 2004. A short extension of the deadline for translating previously filed documents would be considered upon request.

Please submit your reply briefs and supporting materials to Branden Blum, Senior Counselor, Office of the General Counsel, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), 1305 East-West Highway, Silver Spring, Maryland 20910. Three copies of the reply brief and supporting materials should be submitted to this Office. A single set of the materials should be provided to the other party and to the U.S. Army Corps of Engineers. (See my letter establishing the initial briefing schedule for address.) As noted in our July 15, 2004 ruling concerning the Appellant's motion, briefs should be served on the opposing party by the deadline for filing with the Department of Commerce.

If you have any questions concerning this letter, please contact Mr. Blum at 301 713-2967, extension 207. Should you be interested in pursuing settlement negotiations, please call the Director of NOAA's Office of Ocean and Coastal Resource Management, at 301 713-3155, for further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl D. Gleaves".

Karl D. Gleaves
Assistant General Counsel
for Ocean Services

cc: Vivian Gerena
Acting Chief, Antilles Regulatory Section
U.S. Army Corps of Engineers